



MEMO ENDORSED

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF REGIONAL OFFICES
WESTCHESTER REGIONAL OFFICE

October 5, 2021

Honorable Kenneth M. Karas
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

*RE: Johnny Brown v. Venetozzi, et al.,
Index No.: 18-CV-2628 (KMK)*

Dear Judge Karas:

This office represents Defendants in the above referenced pro-se action. I write to inform the Court of an outstanding discovery request.

As set forth in the Court's March 11, 2021 scheduling order (*see* Docket No. 62), fact discovery ended August 15, 2021, and expert discovery ends on October 15, 2021. Pre-motion conference letters are due October 22, 2021, and a status conference is scheduled for November 18, 2021. During Plaintiff's deposition on August 9, 2021, he testified of emotional distress injuries he allegedly suffered as a result of Defendants' actions and testified regarding his treatment for those injuries by the Office of Mental Health. Immediately following Plaintiff's deposition on August 9, 2021, I mailed him an authorization for the release of his mental health records. By letter dated September 14, 2021, I again requested he provide me with the authorization. To date, the signed authorization is still outstanding. Defendants respectfully request an Order directing Plaintiff to provide my office with the signed authorization or, in the alternative, dismissing damages for all emotional distress injuries.

Granted. Mr. Brown is to submit the authorization by 10/15/21. Defense counsel is to mail a copy of this memo endorsement and certify this was done in a filing by 10/8/21.

Respectfully submitted,

So Ordered.

10/5/21

Johnny Brown (DIN: 96-B-2223)

Kathryn Martin
Assistant Attorney General

Mid-State Correctional Facility

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